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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DARHYL KERR, an individual,

Plaintiff,

v.

BRE/HC LAS VEGAS PROPERTY
HOLDINGS, LLC d/b/a EQUITY
OFFICE PROPERTIES d/b/a/ THE HC
d/b/a THE HUGHES CENTER, a
Delaware Limited Liability Company;
CROWN BUILDING MAINTENANCE
CO. d/b/a ABLE BUILDING
MAINTENANCE; a Foreign Corporation;
DOES I-X, inclusive; and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.: 2:20-cv-00317-RFB-BNW

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

Pursuant to Fed. R. Civ. P. 26 and 26-1, Plaintiff, DARHYL KERR, by and through her attorneys of record, JARED B. JENNINGS, ESQ., ADAM R. FULTON, ESQ., and LOGAN G. WILLSON, ESQ. of the law firm of JENNINGS & FULTON, LTD., and Defendants BRE/HC LAS VEGAS PROPERTY HOLDINGS, LLC and CROWN BUILDING MAINTENANCE CO., by and through their attorneys of record, DAVID M.

1 BARRON, ESQ. and JOSEPH MESERVY, ESQ. of the law firm of BARRON & PRUITT,
2 LLP, hereby submit this proposed Joint Discovery Plan and Scheduling Order.

3 **First Appearance.** Plaintiff filed the Complaint on January 7, 2020 in District
4 Court, Clark County, Nevada, Case No. A-20-808077-C. On February 3, 2020,
5 Defendants' filed the Answer in state court. On February 13, 2020, Defendants filed the
6 Notice of Petition or Removal. On March 2, 2020, Defendants filed their Statement
7 Regarding Removed Action. On March 17, 2020, Defendants filed the Certificate of
8 Interested Parties. On March 18, 2020, the parties filed the Joint Status Report.

9
10 **FRCP26(f) Conference.** On April 15, 2020, counsel for Plaintiff Adam R. Fulton,
11 Esq. and Logan G. Willson, Esq., and counsel for Defendants, Joseph Meservy, Esq.,
12 participated in a discovery and scheduling conference to discuss all issues required by
13 Federal Rule of Civil Procedure 26(f) and LR 26-1.

14
15 **Statement Concerning Special Scheduling Review and Modified Deadlines.**
16 The Parties discussed the impact of COVID-19 on timing of discovery and the ability to
17 conduct discovery. While the Parties agree that discovery can proceed, the parties agree
18 that the broad-scale disruption caused by social distancing, remote working, and the other
19 impacts of COVID-19 will hinder the progress of discovery for the foreseeable future.
20 Moreover, this is a personal injury matter, anticipated depositions for multiple medical
21 providers hinders the ability to schedule and conduct depositions. Further, initial and
22 rebuttal expert disclosures and depositions will be further delayed as a result. As such, the
23 parties have agreed to propose an extended schedule to accommodate the inevitable delays
24 and disruptions as a result of COVID-19. The parties propose the following discovery plan:

25
26 1. **Discovery Cut-Off Date.** The proposed cut-off date for discovery shall be
27 April 15, 2021, one year from the Rule 26 Conference. Given the timeline from when the
28

1 present matter was removed to this Court, the parties request that the start of discovery run
2 from the date of the Rule 26 Conference. The parties also have requested additional time
3 beyond the typical six-month discovery period in anticipation of the disruption to health
4 and safety concerns of COVID-19 which they expect will significantly impact conducting
5 discovery for the next 60-90 days.
6

7 2. **Amending Pleadings and Adding Parties.** All motions to amend the
8 pleadings or add parties shall be filed no later than January 15, 2021, not more than 90 days
9 prior to the close of discovery.

10 3. **Fed. R. Civ. P.26(a)(2) (Experts).** Disclosures concerning experts shall be
11 made by February 12, 2021, not more than 60 days prior to the close of discovery.
12 Disclosures concerning rebuttal experts shall be made by March 16, 2021, not more than 30
13 days prior to the close of discovery.
14

15 4. **Dispositive Motions.** The date for filing dispositive motions shall be not
16 later than May 14, 2021, not more than 30 days after the close of discovery. In the event
17 that the discovery period is extended from the discovery cut-off date set forth in this
18 proposed discovery plan and scheduling order, the date for filing dispositive motions shall
19 be extended to not later than thirty (30) days from the subsequent discovery cut-off date.
20

21 5. **Pretrial Order.** The date for filing the joint pretrial order shall be not later
22 than May 14, 2021, 30 days after the close of discovery. In the event that dispositive
23 motions are filed, the date for fling the joint pretrial order shall be suspended until thirty
24 (30) days after the decision on the dispositive motions or until further order of the Court.
25 In the further event that the discovery period is extended from the discovery cut-off date set
26 forth in this proposed discovery plan and scheduling order, the date for filing dispositive
27
28

1 motions shall be extended to not later than thirty (30) days from the subsequent discovery
2 cut-off date.

3 6. **Fed. R. Civ. P.26(a)(3) Disclosures.** The disclosures required by Fed. R.
4 Civ. P. 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

5 7. **Alternative Dispute Resolution.** The Parties have discussed all alternative
6 forms of dispute resolution and will continue to explore the possibility as this case
7 proceeds.

8 8. **Alternative Form of Case Disposition.** The Parties have discussed this
9 option and agree that this case is properly set before the District Court.

10 9. **Electronic Evidence.** The Parties have discussed the use of electronic
11 evidence at trial and plan on presenting electronic evidence pursuant to this rule at trial.

12 10. **Interim Status Report.** The joint interim status report required by LR 26-3
13 shall be filed no later than February 12, 2021, or 60 days prior to the close of discovery in
14 the event the discovery period is extended form the discovery cut-off date set forth in this
15 discovery plan and scheduling order.

16 11. **Extensions or Modification of The Discovery Plan and Scheduling**
17 **Order.** Any stipulation or motion must be made pursuant to LR 26-4 and be supported by
18 a showing of good cause, no later than twenty-one (21) days prior to the discovery cut-off
19 date.

20 12. **Subjects of Discovery.** The Parties agree that discovery may be taken on
21 any subjects permitted by the Federal Rules of Civil Procedure.

22 13. **Discovery Phases.** The Parties do not believe it is necessary to conduct
23 discovery in phases.

1 14. **Document Production.** All documents produced in this action will be
 2 delivered as either hard copy documents or Tagged Image File Format (“TIFF”), Portable
 3 Document Format (“PDF”), and compressed digital files (JPEG) images unless the
 4 requesting party specifically requests that any responsive electronic documents be produce
 5 in native format. If a requesting party seeks metadata regarding an electronically stored
 6 document, that party shall specify the request for metadata in the request or by separate
 7 request for production.
 8

9 15. **Protective Orders For Confidential Documents and/or Information.** The
 10 Parties discussed confidential information and the process for addressing inadvertent
 11 disclosure of privileged information. They have agreed to separately prepare a stipulated
 12 protective order for the Court’s consideration.
 13

14 DATED: April 22, 2020

14 DATED: April 22, 2020

15 **JENNINGS & FULTON, LTD.**

15 **BARRON & PRUITT, LLP**

16 /s/ Adam R. Fulton, Esq.

16 /s/ Joseph Meservy, Esq.

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21 Attorneys for Defendants

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22 Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of JENNINGS & FULTON, LTD., and that on the 22nd day of April 2020, I caused a true and correct copy of the foregoing **JOINT STATUS REPORT** by U.S. Mail addressed to the following counsel of record at the address listed below:

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Attorneys for Defendants

/s/ Melissa Renderos Carias
An Employee of
JENNINGS & FULTON, LTD.

The Court has read and considered the parties' proposed discovery plan and scheduling order seeking a year for discovery based on delays COVID-19 will likely cause. The Court is sympathetic to the delays COVID-19 is causing and may continue to cause. However, the parties should attempt to complete discovery in 270 days and to the extent COVID-19 makes this impossible or unsafe, request additional discovery extensions. Accordingly, IT IS ORDERED that ECF No. 8 is DENIED without prejudice. IT IS FURTHER ORDERED that the parties are to file a new proposed discovery plan and scheduling order by 5/1/2020 that requests 270 days for discovery.

IT IS SO ORDERED

DATED: April 24, 2020



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE